UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,220	09/14/2000	Michael Hurley	LUT 2 0052	1534

7590 01/30/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2144	3

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _14 September 2000_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-33_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-33_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2_.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 14 September 2000. Claims 1-33 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-7, 11, 14-16, 18-20, 24, 27-28 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robins et al. (6,115,744) in view of MacCormack (6,618,778).

(A)   As per claim 1, Robins teaches a method for controlling a transaction flowing from a client process to a downstream process, the method comprising the steps of:

detecting a connection request, associated with the transaction, by a client server (Robins; (Robins; abstract and col. 4, line 52-col. 5, line 22);

inputting said transaction from the client process into a client channel, said client server

generating a client interface for said client channel upon detecting the connection request

(Robins; col. 4, lines 52-57);

communicating said transaction to an appropriate downstream process by the downstream

interface (Robins; col. 5, lines 24-37) ;

coordinating connection requests and downstream process backflow messages by said

downstream server (Robins; col. 5, lines 1-3 and 24-37); and

serializing, logging and routing said transaction flowing from said priority queues by a

mapper (Robins; col. 6, line 66-col. 7, line 49).

Robins fails to expressly teach assigning a priority to said transaction by an input handler

and selectively loading the transaction from the client interface into a set of priority queues based

on the priority assigned. However, this feature is old and well known in the art, as evidenced by

MacCormack's teachings with regards to assigning a priority to said transaction by an input

handler (MacCormack; col. 2, lines 13-21) and selectively loading the transaction from the client

interface into a set of priority queues based on the priority assigned (MacCormack; col. 2, lines

13-21 and col. 7, lines 62-65). It is respectfully submitted, that it would have been obvious, to

one having ordinary skill in the art at the time the invention was made, to expand the system

taught by Robins with MacCormack's teaching with regards to this limitation, with the

motivation of improving the efficiency of the system prioritizing connection requests

(MacCormack; col. 1, lines 57-61 and col. 2, lines 9-11).

(B)   As per claims 2, 3, 5, 6, and 11, Robins teaches the step of programming the input

handler with metadata containing routing and identifying information to direct the transaction to

a downstream process (Robins; col. 7, lines 36-49), the step of detecting connection requests and

transferring said transaction to and from said client process (Robins; col. 7, line 63-col. 8, line 7),

the step of adapting an interface to performing programmed functions among the client server,

the client interface, and the input handler, for establishing bi-directional connectivity and passing

data (Robins; col. 3, lines 34-56), the step of creating a transaction-record to store all metadata of

said transaction, including pointer to each transaction (Robins; col. 7, lines 1-10 and 36-49), and

the step of the downstream server routing a backflow message for communicating with the client

process (Robins; col. 9, lines 51-59).

(C)   As per claim 7, Robins fails to expressly teach the step of assigning a priority to the

transaction by the input handler, such priority being used to control latency, throughput of

transactions, and placement of the transaction into the priority queue. However, this feature is

old and well known in the art, as evidenced by MacCormack's teachings with regards to the step

of assigning a priority to the transaction by the input handler, such priority being used to control

latency, throughput of transactions, and placement of the transaction into the priority queue

(MacCormack; col. 1, lines 57-61, col. 2, lines 9-21 and col. 7, lines 62-65). It is respectfully

submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the system taught by Robins with MacCormack's teaching with

regards to this limitation, with the motivation of improving the efficiency of the system

prioritizing connection requests (MacCormack; col. 1, lines 57-61 and col. 2, lines 9-11).

(D)   System claims 14-16, 18-20 and 24 repeat the subject matter of method claims 1-3, 5-7

and 11, respectively, as a set of apparatus elements rather than a series of steps. As the

underlying processes of claims 1-3, 5-7 and 11 have been shown to be fully disclosed by the

teachings of Robins and MacCormack in the above rejections of claims 1-3, 5-7 and 11, it is

readily apparent that the system disclosed by Robins and MacCormack include the apparatus to

perform these functions. As such, these limitations are rejected for the same reasons given above

for method claims 1-3, 5-7 and 11, and incorporated herein.

(E)   Claim 27 differs from claim 14 by reciting "a client server operative to search and

establish connections to a client process." As per this limitation, Robins teaches a client server

operative to search and establish connections to a client process (Robins; col. 4, lines 52-57).

The remaining limitations repeat the features of claim 14 and are therefore rejected for the same

reasons given above in the rejection of claim 14 and incorporated herein.

(F)   As per claim 28, Robins teaches wherein said client interface continuously cycles,

searches and reads transactions from a client channel (Robbins; col. 4, line 61-col. 5, line 12).

(G)   As per claim 31, Robins teaches wherein the communications interface operates at a low

level and performs the functions of establishing links, retrieving data and sending data (Robins;

col. 4, lines 61-col. 5, line 12).

(H)   As per claim 32, Robins fails to expressly teach wherein the input handler prioritizes the

transactions and determines the sequence for routing the transactions. However, this feature is

old and well known in the art, as evidenced by MacCormack's teachings with regards to wherein

the input handler prioritizes the transactions and determines the sequence for routing the

transactions (MacCormack; col. 2, lines 9-21 and col. 7, lines 62-65). It is respectfully

submitted, that it would have been obvious, to one having ordinary skill in the art at the time the

invention was made, to expand the system taught by Robins with MacCormack's teaching with

regards to this limitation, with the motivation of improving the efficiency of the system

prioritizing connection requests (MacCormack; col. 1, lines 57-61 and col. 2, lines 9-11).

4. Claims 4, 8-10, 12-13, 17, 21-23, 25-26, 29, 30, and 33 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Robins et al. (6,115,744) and MacCormack (6,618,778) as applied to

claims 1, 14, and 27 above and further in view of official notice.

(A)   As per claims 4, 8-10, 12 and 13, the combined system of Robins and MacCormack

collectively fail to expressly teach the limitations of claims 4, 8-10, 12, and 13. However, the

Examiner takes Official Notice (see MPEP § 2144.03) that the step of, at selected times, directly

sending the transactions to the downstream process, the step of replicating an additional mapper,

the step of running a repetitive algorithm in the mapper which selects transactions from the set of

priority queues by revisiting each smaller numbered queue before proceeding to the next smaller

numbered queue, the step of replaying said transaction, from the log, upon a system fault and/or

a request of a downstream process, the step of broadcasting said transaction to multiple

downstream processes, and generating additional interfaces, while the system is in a real time run

mode in a computer networking environment were well known in the art at the time the invention

was made. The Applicant is entitled to traverse any/all official notice taken in this action

according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In re Boon,

439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must

contain adequate information or argument to create on its face a reasonable doubt regarding the

circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234

states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the

correctness of the fact asserted or the notoriety or repute of the reference cited in support of the

assertion. We did not mean to imply by this statement that a bald challenge, with nothing more,

would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice

means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with

nothing more" will be given very little weight.

Thus, it is respectfully submitted, that it would have been obvious, to one having ordinary

skill in the art at the time the invention was made, to expand the transaction-processing system as

taught by Robins and MacCormack to incorporate the limitations of claims 4, 8-10, 12 and 13 ,

with the motivation of minimizing the network traffic required to complete the server processing

for a transaction and increasing the reliability and recoverability of a transaction processing

system (Robins; col. 3, lines 6-7 and 14-16).

(B)   System claims 17, 21-23 and 25-26 repeat the subject matter of method claims 4, 8-10

and 25-26, respectively, as a set of apparatus elements rather than a series of steps. As the

underlying processes of claims 4, 8-10 and 25-26 have been shown to be fully disclosed by the

teachings of Robins, MacCormack and official notice in the above rejections of claims 4, 8-10

and 11, it is readily apparent that the system disclosed by Robins, MacCormack and official

notice include the apparatus to perform these functions. As such, these limitations are rejected

for the same reasons given above for method claims 1-3, 5-6 and 11, and incorporated herein.

(C)   As per claims 29 and 30 the combined system of Robins and MacCormack collectively

fail to expressly teach the limitations of claims 29 and 30. However, the Examiner takes Official

Notice (see MPEP § 2144.03) that the use of pointers that are assigned to transactions and

passed to the functions needed for retrieving transactions from a client channel, wherein said

pointers are used as a reference between the input handler, the communications interface and the

associated client interface in a computer networking environment well known in the art at the

time the invention was made. The Applicant is entitled to traverse any/all official notice taken in

this action according to MPEP § 2144.03. However, MPEP § 2144.03 further states "See also In

re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice

must contain adequate information or argument to create on its face a reasonable doubt regarding

the circumstances justifying the judicial notice)." Specifically, In re Boon, 169 USPQ 231, 234

states "as we held in Ahlert, an applicant must be given the opportunity to challenge either the

correctness of the fact asserted or the notoriety or repute of the reference cited in support of the

assertion. We did not mean to imply by this statement that a bald challenge, with nothing more,

would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice

means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with

nothing more" will be given very little weight.

Thus, it is respectfully submitted, that it would have been obvious, to one having ordinary

skill in the art at the time the invention was made, to expand the transaction-processing system as

taught by Robins and MacCormack to incorporate the limitations of claims 29 and 30, with the

motivation of providing a general purpose, high-level interface between client applications and

server-based services which hides the complexity of using the service from the client

applications (Robins; col. 3, lines 18-21).

(D)   System claim 33 repeats the subject matter of method claims 13, as a set of apparatus

elements rather than a series of steps. As the underlying processes of claim 13 has been shown

to be fully disclosed by the teachings of Robins, MacCormack, and official notice in the above

rejections of claim 13, it is readily apparent that the system disclosed by Robins, MacCormack

and official notice include the apparatus to perform these functions. As such, these limitations

are rejected for the same reasons given above for method claim 13, and incorporated herein.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. The cited but not applied art teaches a method and apparatus for accessing transaction

services using object linking and embedding (6,035,301); an object-oriented remote procedure

call networking system (5,491,800); a high performance distributed transaction processing

methods and apparatus (6,141,679); and method and apparatus for tracking client interaction

with a network resource and creating client profiles and resource database (6,138,155)

6. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner

can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-872-9306 for regular

communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-308-1113.

mk

January 21, 2004

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100